

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FORD MOTOR CREDIT COMPANY LLC,

No. C-08-4906 MMC

Plaintiff,

v.

MARCO VENTURES, INC., et al.,

**ORDER GRANTING
COUNTERDEFENDANT'S MOTION FOR
SUMMARY JUDGMENT; VACATING
APRIL 9, 2010 HEARING; VACATING
PRETRIAL CONFERENCE AND TRIAL
DATES**

Defendants

MARCO VENTURES, INC.,

Counter-claimant

v.

FORD MOTOR CREDIT COMPANY, LLC,

Counter-defendant

Before the Court is counter-defendant Ford Motor Credit Company, LLC's ("Ford Credit") Motion for Summary Judgment or, in the Alternative, for Partial Summary Judgment, filed March 5, 2010. Counter-claimant Marco Ventures, Inc. ("Marco") has not filed opposition. Having read and considered the papers filed in support of the motion, the Court deems the matter suitable for decision thereon, VACATES the hearing scheduled for April 9, 2010, and rules as follows.

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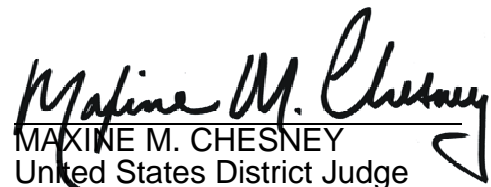
1 For the reasons stated by Ford Credit, the Court finds Ford Credit is entitled to
2 summary judgment on each of Marco's counterclaims. Each counterclaim is based on the
3 allegation that Ford Credit ceased performing under its agreements with Marco before
4 Marco defaulted on its obligations under such agreements. (See Counterclaims ¶¶ 8, 13,
5 17.) Ford Credit has offered evidence, however, that Marco was in material breach of its
6 obligations under the parties' agreements before Ford Credit ceased performance
7 thereunder (see Bascio Decl., filed March 5, 2010, ¶ 19; Ex. G), and Marco has failed to
8 offer any evidence to the contrary.

9 Accordingly, Ford Credit's motion for summary judgment on Marco's counterclaims
10 is hereby GRANTED.

11 The remaining claims in this action are those alleged in Ford Credit's First Amended
12 Complaint. The Clerk has entered the default of each defendant named in the FAC, and,
13 by order filed March 30, 2010, the Court has set a deadline of April 30, 2010 for Ford Credit
14 to file a motion for default judgment. Under such circumstances, the June 1, 2010 Pretrial
15 Conference and June 14, 2010 trial dates are hereby VACATED.

16 **IT IS SO ORDERED.**

17
18 Dated: April 1, 2010


MAXINE M. CHESNEY
United States District Judge